

In re Patent Application of:
THOMSON ET AL.
Serial No. 09/658,509
Filed: **SEPTEMBER 8, 2000**

Applicants respectfully disagree with the Examiner and submit that the present application and the co-pending patent application are directed to completely different aspects of the bicycle stem. More specifically, the above referenced claims of the present application are directed to a handlebar clamping portion. This is located at the opposite end of the stem body and used to clamp a completely different bicycle component. The claims of the above-referenced co-pending application, however, are directed to a steering tube clamping portion of a bicycle stem. Applicants therefore submit that the above claims are directed to different aspects of the bicycle stem and that there exists no improper timewise extension of the right to exclude granted by a patent or harassment by multiple assignees. Accordingly, it is requested that the double patenting rejection be withdrawn.

II. The Claimed Invention

The invention, as recited in independent Claim 1, for example, is directed to a bicycle stem for connecting a bicycle handlebar to a bicycle steering tube. The bicycle stem comprises a body portion having opposing first and second ends, a handlebar clamping portion connected to the first end of the body portion, and a handlebar clamping member cooperating with the handlebar clamping portion to clamp the bicycle handlebar therebetween. The handlebar clamping member and handlebar clamping portion each have a cavity in a respective medial portion thereof to accommodate an enlarged diameter portion of the handlebar. The cavity is perhaps best illustrated in FIG. 19.

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More specifically, one cavity 52 is illustratively in the medial portion of the handlebar clamping member 50, and a second cavity 53 is in the medial portion of the handlebar clamping portion 32 to accommodate a handlebar having the enlarged diameter portion 63. The bicycle stem further comprises at least one fastener for securing the handlebar clamping member to the handlebar clamping portion and a steering tube clamping portion connected to the second end of the body portion.

Independent Claim 11 further recites that the bicycle stem includes respective fasteners for securing corners of the handlebar clamping member and the handlebar clamping portion together. Independent Claim 20 further recites that the handlebar clamping member has a recess therein for the handlebar and the cavity is in the medial portion of the recess. Further, the handlebar clamping portion has a recess for the handlebar and an opening in a medial portion of the recess in communication with interior of the body portion, which is hollow.

III. The Claims Are Patentable Over The Giard Patent

The Examiner rejected independent Claims 1 and 20 over the Giard patent. More specifically, the Examiner contended that the handlebar clamping member and the handlebar clamping portion of the Giard stem each have a cavity to accommodate an enlarged diameter portion of the handlebar. Applicants submit that the Examiner has mischaracterized the Giard patent. Applicants submit that the opening 47 labeled by the Examiner as a cavity, is not a cavity to accommodate enlarged diameter portions of the handlebar as recited in the presently claimed invention.

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More specifically, this opening is to provide "a more uniform clamping force around the entire circumference of the handlebar". (Column 2, lines 27-30). Further, the stem and the cover member "define a substantially cylindrical opening 47 having a diameter corresponding generally to the outer circumference of the generally horizontally oriented tubular portion of the handlebar". (Column 4, lines 1-4). Applicant therefore submits that the Giard patent does not include a cavity to accommodate an enlarged diameter portion of the handlebar. Accordingly, Applicants submit that independent Claims 1 and 20 are patentable over the Giard patent.

IV. The Claims Are Patentable Over The Roddy Patent

The Examiner also rejected independent Claims 1 and 11 over the Roddy patent. More specifically, the Examiner contended that the Roddy patent shows a handlebar clamping member and a handlebar clamping portion each having a cavity in a respective medial portion thereof to accommodate an enlarged diameter portion of the handlebar. Again, the Examiner has labeled the opening formed by the joining of two semi-cylindrical surfaces 24, 31 (FIG. 2 of Roddy) as the cavity in the respective medial portions of the handlebar clamping member and the handlebar clamping portion of the present invention. Applicants assert that the Examiner has mischaracterized the Roddy patent.

The Roddy patent does not teach the cavity to accommodate enlarged portions of a handlebar. More particularly, both cover members are semi-cylindrical. When the cover members are tightened together, "the central portion of the handlebar becomes compressed between the first and second semi-cylindrical

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clamping surfaces 24 and 31". (Column 4, lines 34-36).
Therefore, the clamping members for a cylindrical opening cannot accommodate enlarged portions of a handlebar. Applicants therefore respectfully submit that the Roddy patent teaches away from the claimed invention. Accordingly, Applicants submit that independent Claims 1 and 11 are patentable over the Roddy patent.

V. The Claims Are Patentable Over Giard And Roddy

The Examiner rejected independent Claim 20 as being unpatentable over the Roddy patent in view of the Giard patent. The Examiner correctly notes that the Roddy patent does not show a body portion having a hollow interior which communicates with an opening in the handlebar clamping portion. The Examiner further contends that FIG. 9 of the Giard patent shows a body portion having a tubular shape. The Examiner therefore surmises that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the solid body portion of the Roddy patent with the hollow body portion of the Giard patent.

The clamping portions of the Giard and the Roddy patents, unlike the clamping portions of the claimed bicycle stem, do not accommodate enlarged portions of a handlebar. The deficiencies of both references have been explained in detail above. No combination of these references produces the claimed invention. Applicants therefore submit that independent Claim 20 is patentable over the Roddy patent in view of the Giard patent.

It is respectfully submitted that independent Claims 1, 11, and 20 are patentable for the reasons detailed above. In view of the patentability of the independent claims, it is also

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submitted that their dependent claims, which recite yet further distinguishing features, are also patentable. These dependent claims require no further discussion herein.

CONCLUSION

In view of the arguments provided above, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: DIRECTOR, U.S. PATENT AND TRADEMARK OFFICE, WASHINGTON, D.C. 20231, on this 3rd day of June, 2002.

Kevin L. Peterson